

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Putnam et al. Art Unit: 3623
Serial No.: 09/882,292 Examiner: Boyce, A.
Filed: June 15, 2001 Att'y Docket: 2709/113
Title: System and Method of Identifying Options for Employment Transfers
Across Different Industries

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

1. Transmitted herewith is the REPLY BRIEF in this application with respect to the Examiner's Answer mailed on December 26, 2007.

STATUS OF APPLICANT

2. This application is on behalf of a small entity.

EXTENSION OF TERM

3. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Charge any fees required by this paper to deposit account number 19-4972.

Date: February 26, 2008

/Jeffrey T. Klayman, Reg. #/39,250/

Jeffrey T. Klayman
Registration No. 39,250
Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618
US
617-443-9292
Customer No. 02101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Putnam et al.	Art Unit:	3623
Appl. No:	09/882,292	Examiner:	Boyce, A.
File Date:	June 15, 2001	Docket No.:	2709/113

Invention: **System and Method of Identifying Options for Employment Transfers Across Different Industries**

FILED VIA USPTO ELECTRONIC FILING SYSTEM FEBRUARY 26, 2008

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

BRIEF IN REPLY TO EXAMINER'S ANSWER

Jeffrey T. Klayman

For Appellants

This Brief is filed in reply to the Examiner's Answer in the present Appeal dated December 26, 2007.

Claims 3-62, 80-102, and 104-124 are pending in the application.

Claims 3-6, 8-12, 14, 15, 17, 19, 21, 23, 24, 28-30, 34-38, 40, 42, 43, 45, 47, 49, 51, 53-55, 59, 61, 80-102, 104, 105, 111, 112, 118, and 119 stand rejected under 35 U.S.C. 102(b) as being anticipated by Salmon et al., U.S. Patent No. 5,592,375. Claims 7, 13, 16, 18, 20, 22, 25-27, 31-33, 39, 41, 44, 46, 48, 50, 52, 56-58, 60, and 62 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Salmon in view of Joao, U.S. Patent No. 6,662,194. Claims 106-110, 113-117, and 120-124 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Salmon et al.

The appeal, noticed September 25, 2006, is with respect to the rejected claims, claims 3-62, 80-102, and 104-124.

APPELLANTS' REPLY

The claims require the use of a database that correlates a job function in a first industry with a set of second industries with respect to which the job function capability is potentially transferable in order to identify the set of second industries. The principal reference relied upon by the Examiner, Salmon, does not teach or otherwise suggest such correlation of a job function in a first industry with a set of second industries with respect to which the job function capability is potentially transferable. Rather, Salmon merely discloses various data structures for storing actual candidate information and various techniques for locating candidates based on the candidate information stored in the data structures.

In Salmon, the resume information for each candidate is stored in various data structures. Salmon makes it clear that the industry, function, and skill set information for each resume item of a candidate is logically correlated in the database, but the data for each resume item are kept logically separate from the data for the candidate's other resume items (see, for example, Salmon column 4, lines 50-57). Such correlations can be clearly seen with reference to Figures 2a and 2d-2f of Salmon, where, for example, the records for Sandy Jones (who is associated with Product ID P00002) show both

production experience in the biotechnology industry, specifically as a technician in the pharmaceutical industry (rows 294 and 295), and design experience in the aerospace industry, specifically as a product designer in the commercial aircraft industry (rows 291 and 292). The information stored for Sandy Jones merely characterizes Sandy's actual job experience – there is nothing in these records to correlate, say, design experience in the aerospace industry with other industries.

The screens shown in Figures 4a-4q merely provide various ways to find potential candidates based on specified criteria. Using these screens, one could locate potential candidates based on industry, function, skillset, position, compensation, education, location, or other criteria. For example, using screens 4a-4c, one might search for candidates having job experience in a certain industry such as construction. Such a search would locate all candidates who have experience in the construction industry, regardless of any particular job function or skillset. For another example, using screens 4d-4f, one might search for candidates having job experience in a certain function such as marketing/sales. Such a search would locate all candidates who have marketing/sales experience, regardless of any particular industry or skillset. It may be that one potential candidate has marketing experience in the biotechnology industry and another potential candidate has sales experience in the aerospace industry, but Salmon provides no way to evaluate whether such job functions are potentially transferable between the biotechnology industry and the aerospace industry or, for that matter, to any other industry (keeping in mind that a potential employer might be looking for a marketing/sales person for a completely different industry, such as, for example, consumer goods).

Thus, it should be clear that Salmon merely describes a technique for organizing and searching through information in candidates' resumes. Salmon neither teaches nor suggests a database that correlates a job function in a first industry with a set of second industries with respect to which the job function capability is potentially transferable in order to identify the set of second industries, as in the claims. There is no teaching or suggestion in Salmon to correlate one industry with a number of other industries for potential transfer of a job function capability. Salmon merely attempts to find candidates with experience that matches a particular query. The fact that Salmon uses "correlation"

to organize and search through information is irrelevant to the subject patent application, as Salmon's correlation is for a completely different purpose and does not provide the features discussed in the subject patent application and called out in the claims.

For the foregoing reasons, Appellants submit that all claims in the application are allowable over the art of record and a decision of the Board to that effect is respectfully solicited.

February 26, 2008:

Respectfully submitted,

/Jeffrey T. Klayman, #39,250/

Jeffrey T. Klayman
Registration No. 39,250
Attorney for Applicant

Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618
(617) 443-9292

02709/00113 826764.1